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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,857	10/19/2001	Cornelis Marinus Huizer	PHNL 010087	4953

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BERGER, AUBREY H

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,857

Applicant(s)

HUIZER, CORNELIS MARINUS

Examiner

Aubrey H. Berger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1,7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. EP 00203659.8, filed on October 20, 2000.

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609 subsection III. A(1) states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all

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"statement" requirements of 37 CFR 1.97(e). See MPEP § 609 subsection III.

C(1).

Oath/Declaration

3. The Oath/Declaration does not reflect that a preliminary amendment to the application was filed on October 19, 2001.

Drawings

4. The drawings were received on October 19, 2001 are acceptable.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.
7. The attorney did not sign the Preliminary Amendment filed on October 19, 2001.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If

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no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Rendering device of watermarked signals.

Claim Objections

9. Claims 1 and 7-8 are objected to because of the following informalities:

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a. Regarding claim 1 and 7-8, where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. (See MPEP § 37 CFR 1.75 (i). Claim(s)).

b. Regarding claim 7, line 2 recites "a content provider (116)".

According to the specification and Fig. 2, the reference element (201) is recited as "a content provider". According to Fig. 1, the specification states reference element (116) is recited as "a visual output device".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0044899 to Levy and further in view of "Free On-Line Dictionary of Computing" by LinuxGuruz.

Regarding claims 1-8, Levy discloses the "Transmarking of Multimedia Signals" invention, which includes a method for receiving/detecting (paragraph 0008), a content item comprising at least a video portion/watermarked signal (Fig. 1 #20), in which portion extra information/auxiliary data (paragraph 007), is embedded/watermarked (Fig. 1 #20), decoding means (Fig. 1 #26), for decoding the extra information/auxiliary data, from the video portion/watermarked signal,

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embedding means (Fig. 1 #44), for embedding the extra information/auxiliary data, in an audio signal/new watermarked signal (Fig.1 #46), and rendering means for rendering (paragraph 007) the audio signal/new watermarked signal, wherein the embedding means are arranged for obtaining the audio signal/new watermarked signal, from a storage medium/DVD (paragraph 0013), an arrangement for distributing a content item/watermarked signal, comprising a content provider/Real Networks (paragraph 0015). The objective of Levy's invention is to adapt the watermark to the robustness and perceptibility constraints of a new environment, wherein the method detects the first digital watermark in the media signal, converts the media signal to a different format, and embeds message information from the first digital watermark into a second digital watermark in the converted media signal. Yet, Levy does not specifically teach that the media signal may contain an audio portion and a video portion. However, LinuxGuruz teaches the audio-video standard for multimedia also known as Audio Video Interleave (AVI). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multimedia signal containing a video and audio signal and modify Levy's invention to embed/decode the combination video/audio signal. One of ordinary skill in the art would have been motivated to modify the invention of Levy to utilize a multimedia signal that contains an audio and a video portion to comply with the AVI standard.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

c. U.S. Patent 6,272,634 is cited for disclosing an apparatus for digital watermarking of a media signal previously embedded with a first digital watermark and therein embedding a second digital watermark in the media signal.

d. U.S. Patent 6,850,619 is cited for disclosing a copyright protection method wherein the additional information is added to a video signal and an audio signal, by means of a watermark, which are associated with each other.

e. U.S. Patent Application Publication 2002/0057799 is cited for disclosing a data delivery system that delivers a video source, wherein the video source contains a video and audio portion, embedded with a digital watermark.

f. U.S. Patent 6,411,725 is cited for disclosing watermarked enabled video objects where auxiliary information is embedded in video or audio signals by means of a digital watermark.

g. U.S. Patent 5,613,004 is cited for disclosing an apparatus for encoding and decoding additional information into multimedia signals.

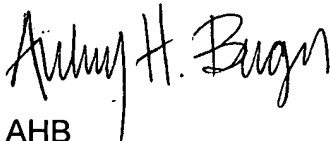
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday,

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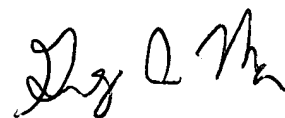
7:30 a.m. - 5:00 p.m.. The examiner can also be reached on alternate Fridays from 7:30 a.m. – 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AHB
May 19, 2005



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